

LETTER OF APPEAL

Billed Entity: Tahoma School District No. 409
Billed Entity #: 145183

Form 471 #: 395833
Funding Year: 2004-2005

July 26, 2004

To Whom It May Concern:

We are appealing the decision regarding **FRN 1082099** per your correspondence dated June 30, 2004 which stated "30% or more of this FRN includes a request for Dark Fiber Access which is an ineligible product based on program rules." Our appeal is based on the fact that the policy regarding the eligibility of the service in question (dark fiber) was changed after we signed a multi-year contract for said service. In reviewing this case, we would ask that you please consider the following:

1. A Letter of Agreement was signed February 4, 2003 and the contract in question was signed June 25 2003, after following the SLD bidding process, beginning with Form 470 #821310000447515 for the 2003-2004 funding year.
2. Dark fiber was eligible for e-rate discount during the 2003-2004 funding year.
3. Our decision was based on cost estimates that included the e-rate discount. Had dark fiber been ineligible for the e-rate discount at the time we made this decision, we would not have signed the contract.
4. This specific service under this same contract was approved to receive the e-rate discount for the 2003-2004 funding year per FRN 1011188 under Form 471# 370627.

We request that you continue to fund the e-rate discount for the dark fiber service that was initiated based on program rules when the contract was signed, thus allowing us to honor our contract with King County I-Net (SPIN 143015282) so that our school district is able to continue to offer its students and staff internet access.

Thank you for your consideration in this matter,

Doug Eash
Tahoma School District No. 409
Technology Operations Supervisor
18200 SE 240th Street
Kent, WA 98042
(425) 413-6213
FAX (425) 413-6329
deash@tahoma.wednet.edu